

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementing a Nationwide, Broadband	)	
Interoperable Public Safety Network	)	PS Docket No. 06-229
In the 700 MHz Band	)	
	)	
The Role of State Governments in the	)	
Deployment of a Nationwide,	)	
Interoperable 700 MHz Public Safety	)	
Broadband Network	)	

To: The Public Safety and Homeland Security Bureau

**REQUEST BY HARRIS CORPORATION TO REFRESH THE RECORD**

Harris Corporation (“Harris”) respectfully requests that the Public Safety and Homeland Security Bureau (“PSHSB”) issue a Public Notice seeking to refresh the record regarding the role of state governments in coordinating the deployment of an interoperable, nationwide 700 MHz Public Safety Broadband Network (“NPSBN”). Balancing the need for nationwide interoperability with the unique requirements and specifications of individual public safety entities is vital to ensuring the real-world value of a NPSBN. The Federal Communications Commission’s (“Commission”) stated preference for state-level waivers<sup>1</sup> has raised several questions within the public safety community including: (1) how/whether individual local public safety entities should coordinate with states to deploy under a state-level waiver and (2) when deploying under a state-level waiver how to ensure the interests of both states and local public

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<sup>1</sup> Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, *Order*, PS Docket 06-229, 25 Rcd. 5145, 5151, ¶ 50 (rel. May 12, 2010) (“*Waiver Order*”).

safety entities are fully considered. Harris believes that states will have a key role in ensuring interoperability across the public safety broadband spectrum. Commission action on these issues is vital to ensuring that interoperability is considered at both the technical and operational level of network deployment.

The Commission previously sought comment on issues related to the role of states in coordinating the deployment of a NPSBN in the Commission's 700 MHz *Second Further Notice of Proposed Rulemaking*<sup>2</sup> and 700 MHz *Third Further Notice of Proposed Rulemaking*.<sup>3</sup> While in the *Third Further Notice of Proposed Rulemaking* the Commission concluded that it would not be "efficient or beneficial to carve out a specific role for the states in coordinating their public safety providers' participation in the interoperable shared broadband network,"<sup>4</sup> since the *Third Further Notice of Proposed Rulemaking* was issued there has been dramatic changes in the Commission's plans for deploying a NPSBN. For instance, the Commission, as part of the National Broadband Plan, has established a new blueprint for deploying a NPSBN;<sup>5</sup> the Commission has started the process of establishing final technical rules through the establishment of the Emergency Response and Interoperability Council ("ERIC");<sup>6</sup> the PSHSB

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<sup>2</sup> Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Implementing a Nationwide, Broadband Interoperable Public Safety Network in the 700 MHz Band, *Third Notice of Proposed Rulemaking*, WT Docket No. 06-150; PS Docket No. 06-229, 23 FCC Rcd. 14301, 14436-14437, ¶¶ 420-423 (rel. Sept. 25, 2010) ("*Third FNPRM*").

<sup>3</sup>Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Implementing a Nationwide, Broadband Interoperable Public Safety Network in the 700 MHz Band, *Second Further Notice of Proposed Rulemaking*, WT Docket No. 06-150; PS Docket No. 06-229, 23 FCC Rcd. 8047, 8068, ¶ 52 (rel. May 14, 2008).

<sup>4</sup>*Third FNPRM*, *supra* note 2, 14437, ¶ 423.

<sup>5</sup>Report to Congress, A National Broadband Plan for Our Future, Federal Communications Commission, pgs. 315-319 (rel. Mar. 16, 2009).

<sup>6</sup> See In the Matter of Establishment of an Emergency Response Interoperability Center, *Order*, PS Docket No. 06-229 and GN Docket No. 09-51, 25 FCC Rcd. 5145 (rel. Apr. 23, 2010) (laying the framework for the formation of ERIC).

has sought public comment<sup>7</sup> to better understand what steps must be taken on a technical level to ensure interoperability across the NPSBN; and the Commission has established a waiver process to allow public safety entities to begin deployment in the 700 MHz public safety broadband spectrum prior to the establishment of final rules.<sup>8</sup>

The PSHSB's current efforts, which have been largely focused around the technical aspects of the proposed NPSBN, could be further informed by refreshing the record on issues related to the role state governments can play in coordinating network deployment. Determining how states should coordinate with individual public safety entities, local jurisdictions, the Commission, and Public Safety Broadband Licensee ("PSBL") is vital to ensuring that the NPSBN meets the interoperability and operational needs of both the entire country and individual jurisdictions. A number of the questions asked by the Commission in the *Second Further Notice of Proposed Rulemaking* and *Third Further Notice of Proposed Rulemaking* regarding the role of state governments in coordinating network deployment are still extremely relevant today, however, those questions need to be re-explored in the context of the Commission's current NPSBN plan and the current sentiment of the public safety community.

The Commission should seek to refresh the record regarding the role of state governments under both final NPSBN rules and interim waiver rules. While the *Waiver Order*

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<sup>7</sup>See Comment Sought On NPSTC Broadband Task Force and Public Safety Spectrum Trust Technical Recommendations for 700 MHz Public Safety Broadband Deployments, *Public Notice*, 25 FCC Rcd. 2662 (rel. Mar. 17, 2010) (seeking comment on the National Public Safety Telecommunications Council Broadband Task Force Report and Public Safety Spectrum Trust's recommendations for initial deployments under the Commission's waiver process in the 700 MHz public safety broadband spectrum); See also Public Safety and Homeland Security Bureau Seeks Comment on Interoperability, Out of Band Emissions, and Equipment Certification for 700 MHz Public Safety Broadband Networks, *Public Notice*, 25 FCC Rcd. 5486 (rel. May. 18, 2010) (seeking comment on the interoperability, out of band emissions, and equipment certification for 700 MHz public safety broadband networks).

<sup>8</sup> See *Waiver Order*, *supra* note 1 (granting 21 waivers for early deployment in the 700 MHz public safety broadband spectrum and establishing rules for deployment); See also Public Safety and Homeland Security Bureau Offers Further Guidance to Conditional Waiver Recipients On Completing the Interoperability Showing Required by the 700 MHz Waiver Order, *Public Notice*, PS Docket No. 06-129, 25 FCC Rcd. 5664 (rel. May 21, 2010) (providing further guidance to the Waiver Recipients on the required contents of the Interoperability Showing).

established a method for ensuring that interoperability occurs between waiver recipients and overlapping jurisdictions,<sup>9</sup> such as between New York State and New York City, the *Wavier Order* is silent as to how deployment of other public safety entities within a state should occur under a state-level waiver and how a state that is granted a waiver should coordinate with jurisdictions within that state's geography. Clarifying how states and local jurisdictions within states are expected to collaborate is especially important to promote competition in the build-out of public safety broadband systems and encourage public safety broadband systems that are both interoperable and tailored to the unique operational needs of local public safety entities.

While under the waiver process states are the most logical entity to coordinate early deployment, the Commission should begin the process of evaluating what role states will play in the final NPSBN and ensure the need for interoperability is balanced with the unique requirements and specifications of local public safety users. In order to determine the appropriate role of state governments under final NPSBN rules and the interim waiver process Harris recommends the Commission seek comment on the following questions:

1. Under final NPSBN rules who should the Commission charge with the responsibility of coordinating public safety users' operations across the NPSBN (*i.e.*, a "coordinating entity")? States? Counties? Other government entities? Other non-government entities?
2. What entity is best situated to address implementation and coordination challenges that cross public safety jurisdictions, both inter-jurisdictionally and intra-jurisdictionally?
3. Under the waiver process what, if any, processes should the Commission establish to allow public safety entities within a state's geographic boundary to deploy a system under a state-level waiver? What level of control should states have over individual public safety entities' deployment plans? What level of autonomy should individual public safety entities have over their own network deployment under a state-level waiver?
4. Both under final NPSBN rules and the waiver process what is the proper relationship between states (or the appropriate "coordinating entity") and both the Commission and PSBL?

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<sup>9</sup> *Waiver Order*, *supra* note 8, at 5161-5163, ¶¶ 49-53.

5. How should the Commission balance the need for nationwide interoperability with the desire of individual public safety entities to deploy systems that meet their own unique requirements and specifications? What level of operational autonomy should be granted to individual public safety entities? What is the proper level of operational control that should be provided to a state (or the appropriate “coordinating entity”)?
6. Should the Commission or PSBL institute requirements—regulatory or contractual—between a state (or the appropriate “coordinating entity”) and overlapping jurisdictions to ensure that all entities concerns are taken into consideration? Should the PSBL, as part of the De Facto Licensing Agreement established under the *Waiver Order*, implement a good faith negotiation requirement between states and public safety entities that would like to deploy under a state-level waiver to safeguard the interests of all parties involved in the deployment?

For the foregoing reasons Harris Corporation respectfully requests that the Commission issue a Public Notice to refresh the record regarding issues surrounding the role of state governments in coordinating the deployment of a NPSBN, both under final rules and the wavier process.

Respectfully submitted,

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